

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROSE COULTER-OWENS,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

RODALE INC., a Pennsylvania
Corporation,

Defendant.

Case No. 2:14-cv-12688

Honorable Robert H. Cleland

**UNOPPOSED MOTION FOR LEAVE TO FILE *INSTANTER* ENLARGED
BRIEF IN SUPPORT OF PLAINTIFF’S MOTION FOR ATTORNEYS’
FEES, EXPENSES, AND INCENTIVE AWARD**

Plaintiff Rose Coulter-Owens (“Plaintiff”), by and through her counsel, hereby moves the Court for leave to file *instanter* an enlarged brief, not to exceed 33 pages, in support of her Motion for Attorneys’ Fees, Expenses, and Incentive Award. (Dkt. 49.) In support of this Motion, Plaintiff states as follows:

1. As set forth in Plaintiff’s unopposed Motion for Attorneys’ Fees, Expenses, and Incentive Award, the Parties have received preliminary approval of a class-wide settlement which, if finally approved, will fully and finally resolve all claims against Defendant Rodale Inc. (“Defendant”) related to the Michigan Video Rental Privacy Act. Pursuant to the Parties’ Settlement Agreement, Class Counsel

is requesting the payment of reasonable attorneys' fees, litigation expenses, and an incentive award for the named plaintiff.

2. Plaintiff has made her greatest effort to keep her fee brief as succinct as possible. However, Plaintiff believes in good faith that the filing of a brief in excess of 25 pages is necessary to fully and effectively (i) set forth the necessary background and procedural history for the case, (ii) review the work performed by Class Counsel and Plaintiff to the benefit of the class, (iii) demonstrate that the requested attorneys' fees are reasonable under the applicable percentage of the common fund method (as set out in the Sixth Circuit's six-factor analysis) and when using a lodestar cross-check, (iv) demonstrate that Class Counsel's request for unreimbursed litigation expenses is reasonable, and (v) demonstrate that the named plaintiff's contribution to the case warrants the requested incentive award. *See* E.D. Mich. LR 7.1(d)(3)(A). Plaintiff's Motion is 33 pages in length, inclusive of signatures.

3. Plaintiff's counsel conferred with counsel for Defendant on July 5, 2016. Defendant does not oppose this motion and agrees to the relief requested herein.

WHEREAS, Plaintiff Rose Coulter-Owens respectfully requests that the Court enter an Order granting her leave to file *instanter* an enlarged brief, not to exceed 33 pages, in support of her Brief in Support of Plaintiff's Motion for

Attorneys' Fees, Expenses, and Incentive Award.

Respectfully submitted,

Date: July 5, 2016

Rose Coulter-Owens, individually and on
behalf of all others similarly situated,

By /s/ Ari J. Scharg

One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Ari J. Scharg, an attorney, hereby certify that on July 5, 2016 I served the above and foregoing ***Unopposed Motion for Leave to File Instantly Enlarged Brief in Support of Plaintiff's Motion for Attorneys' Fees, Expenses, and Incentive Award*** on all counsel of record by filing it electronically with the Clerk of the Court using the CM/ECF system.

/s/ Ari J. Scharg _____